

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Technology Properties Limited and Patriot
Scientific Corporation,

Plaintiffs,

V.

Case No. 2:05-CV-00494 (TJW)

Matsushita Electric Industrial Co., Ltd.,
Panasonic Corporation of North America, JVC
Americas Corporation, NEC Electronics
America, Inc., Toshiba Corporation, Toshiba
America, Inc., Toshiba America Electronic
Components, Inc., Toshiba America
Information Systems, Inc. and Toshiba America
Consumer Products, LLC,

JURY DEMANDED

Defendants.

**STIPULATION OF PARTIAL JUDGMENT OF NON-INFRINGEMENT OF U.S.
PATENT NO. 5,784,584 PURSUANT TO FRCP 54(b)**

Plaintiffs, Technology Properties Limited and Patriot Scientific corporation (collectively, "Plaintiffs") and defendants Matsushita Electric Industrial Co., Ltd., Panasonic Corporation of North America, JVC Americas Corp., NEC Electronics America, Inc., Toshiba Corporation, Toshiba America, Inc., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba America Consumer Products, LLC, and Intervenor ARM, Ltd. and ARM, Inc. (collectively, "Defendants"), each by counsel, jointly stipulate and move for entry of partial judgment pursuant to Federal Rule of Civil Procedure 54(b), on the terms and conditions set forth herein.

Plaintiffs accuse Defendants of infringing Claim 29 of United States Patent Number 5,784,584 (the "'584 patent").

Defendants deny infringement, and also assert affirmative defenses of invalidity and unenforceability of the '584 patent.

In addition, Defendants NEC Electronics America, Inc. and Toshiba America Electronic Components, Inc., have filed counterclaims for declaratory judgment of non-infringement, invalidity and unenforceability of the '584 patent.

Following extensive briefing, this Court held a Markman hearing on May 3, 2007, during which time the Court considered the briefing of the parties and heard oral argument.

On June 15, 2007, this Court entered its order [document number 259] construing each of the contested claim elements of the patents-in-suit ("Markman Ruling"), including those pertaining to claim 29 of the '584 patent. One of those claim elements was "instruction groups", which this Court construed to require inter alia that "any operand that is present must be right justified."

Plaintiffs stipulate that, based on the foregoing construction of "instruction groups," none of the Defendants' accused products listed in Plaintiffs' First Amended Preliminary Infringement Contentions, dated and served on June 19, 2007 and in all prior Preliminary Infringement Contentions of Plaintiffs in this case, infringe claim 29 of the '584, either literally or by equivalents.

Accordingly, while all parties explicitly reserve all appellate rights, Plaintiffs hereby stipulate, and request entry of final judgment under Fed. R. Civ. P. 54(b), of non-infringement as to claim 29 of the '584 patent, as construed by this Court, as to all Defendants.

For Intervenor/Defendants ARM, Ltd. and ARM, Inc., all of the ARM Accused Products (herein defined as the ARM7, ARM9, ARM9E, ARM10E, ARM11 and Cortex microprocessor core families) were accused of infringing only the '584 patent. Since the foregoing judgment would finally resolve all claims involving ARM, Plaintiffs and ARM hereby stipulate, and

request entry of judgment under Fed. R. Civ. P. 54(b), that final judgment be entered as to all claims asserted against ARM in favor of ARM.

This stipulation shall not limit the parties' ability to assert all defenses in any future dispute, including res judicata, collateral estoppel, issue preclusion and claim preclusion for any products (including the use thereof) that were, or could have been, accused of infringing any claim of the '584 patent.

The parties stipulate that all counterclaims by the Defendants with regard to declaratory judgment of alleged non-infringement, invalidity and/or unenforceability of the '584 patent, be dismissed without prejudice. The parties stipulate that this dismissal of Defendants' counterclaims does not constitute a voluntary dismissal of the Defendants' counterclaims for purposes of Federal Rule of Civil Procedure 41(a)(1).

Defendants reserve all rights in their counterclaims and defenses. Plaintiffs reserve all their rights in their defenses to counterclaims.

GOOD CAUSE APPEARING, judgment shall be entered as follows:

Pursuant to Federal Rule of Civil Procedure 54(b), this Court determines and orders (1) that there is no just reason for delay and directs the Clerk of this Court to enter final judgment of non-infringement as to Claim 29 of the '584 patent, in accordance herewith as to all Defendants; (2) that there is no just reason for delay and directs the Clerk of this Court to enter final judgment in favor of ARM as to all claims asserted against ARM; and (3) that, while it is understood that the Defendants have additional non-infringement arguments, invalidity arguments, equitable arguments, and other defenses and counterclaims, there is no need to reach these issues in view of the non-infringement judgment and all counterclaims by the Defendants with regard to declaratory judgment of alleged non-infringement, invalidity and/or unenforceability of the '584 patent are hereby dismissed without prejudice.

All parties shall bear their own attorney fees and costs.

This Court shall retain and hereby does retain jurisdiction over this matter in its entirety, including any claims which may be reinstated.

The undersigned hereby agree to entry of this judgment.

IT IS SO ADJUDGED.

APPROVED AS TO FORM AND CONTENT:

DATED: August 22, 2007

By: Elizabeth L. DeRieux

S. Calvin Capshaw, State Bar No. 03783900
ccapshaw@mailbmc.com
Elizabeth L. DeRieux, State Bar No. 05770585
ederieux@mailbmc.com
BROWN McCARROLL, LLP
1127 Judson Road, Suite 220
P.O. Box 3999
Longview, Texas 75601-5157
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

JONES AND JONES INC., P.C.
Franklin Jones, Jr., State Bar No. 00000055
201 West Houston Street, P.O. Drawer 1249
Marshall, TX 75671-1249
Telephone: (903) 938-4395
Facsimile: (903) 938-3360
maizieh@millerfirm.com

IRELAND CARROLL AND KELLEY, P.C.
Otis W. Carroll, State Bar No. 03895700
nancy@icklawn.com
6101 South Broadway, Suite 500
P.O. Box 7879
Tyler, Texas 75711
Telephone: (903) 561-1600
Facsimile: (903) 561-1071

TOWNSEND and TOWNSEND and CREW LLP

Roger L. Cook, CA State Bar No. 55208

rlcook@townsend.com

Eric P. Jacobs, CA State Bar No.

88413epjacobs@townsend.com

Iris Sockel Mitrakos, CA State Bar No. 190162

ismitrakos@townsend.com

Two Embarcadero Center, 8th Floor

San Francisco, California 94111

Telephone: (415) 576-0200

Facsimile: (415) 576-0300

Attorneys for Plaintiff

TECHNOLOGY PROPERTIES LIMITED, INC.

DATED: August 22, 2007

By: Robert Christopher Bunt by permission ELD

Robert M. Parker, State Bar No. 15498000

rmparker@pbatyler.com

Charles L. Ainsworth, State Bar No. 00783521

charlie@pbatyler.com

Robert Christopher Bunt, State Bar No. 00787165

rcbunt@pbatyler.com

PARKER, BUNT & AINSWORTH

100 East Ferguson, Suite 1114

Tyler, Texas 75702

Telephone: (903) 531-353-

Facsimile: 903-533-9687

KIRBY NOONAN LANCE & HOGE LLP

Charles T. Hoge, CA State Bar No. 110696

choge@knlh.com

Matthew P. Nugent, CA State Bar No. 214844

mnugent@knlh.com

600 West Broadway, Suite 1100

San Diego, CA 92101

Telephone: (619) 231-8666

Facsimile: (619) 231-9593

Attorneys for Plaintiff

PATRIOT SCIENTIFIC CORPORATION

DATED: August 22, 2007

By: David J. Healey by permission ELD
David J. Healey
Texas State Bar No. 09327980
WEIL, GOTSHAL & MANGES LLP
700 Louisiana St., Ste. 1600
Houston, TX 77002
Telephone: (713) 546-5000
Facsimile: (713) 224-9511
david.healey@weil.com

David J. Lender (Pro Hac Vice)
david.lender@weil.com
Matthew Antonelli (Pro Hac Vice)
matthew.antonelli@weil.com
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

ATTORNEYS FOR DEFENDANTS
MATSUSHITA ELECTRIC INDUSTRIAL CO.,
LTD.; PANASONIC CORPORATION OF
NORTH AMERICA; and JVC AMERICAS CORP.

DATED: August 22, 2007

By: Lisa S. Mankofsky by permission ELD
John J. Feldhaus, VA Bar No. 20046
jfeldhaus@foley.com
Anthony H. Son, CA Bar No. 190478
ason@foley.com
Lisa S. Mankofsky, DC Bar No. 411931
lmankofsky@foley.com
Matthew A. Smith, DC Bar No. 498460
msmith@foley.com
FOLEY & LARDNER LLP
3000 K Street, N.W.
Washington, D.C. 20007
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Guy N. Harrison
State Bar No. 00000077
gnharrison@att.net
Attorney at Law
217 N. Center
Longview, TX 75601
Telephone: (903) 758-7361
Facsimile: (903) 753-9557

COUNSEL FOR DEFENDANTS NEC
ELECTRONICS AMERICA, INC.

DATED: August 22, 2007

By: Scott Partridge by permission ELD

Scott Partridge
Lead Attorney
Texas State Bar No. 00786940
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002
Tel.: (713) 229-1569
Fax: (713) 229-7769
scott.partridge@bakerbotts.com

OF COUNSEL:

L. Gene Spears
Texas State Bar No. 18896350
Michael Hawes Texas State Bar No. 24010761
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002
Tel.: (713) 229-1234
Fax: (713) 229-7152

Michael C. Smith
Texas State Bar No. 18650410
The Roth Law Firm
PO Box 876
115 North Wellington, Suite 200
Marshall, TX 75670
Tel: (903) 935-1665
Fax: (903) 935-1797

ATTORNEYS FOR DEFENDANTS, TOSHIBA
CORPORATION, TOSHIBA AMERICA, INC.,
TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC., TOSHIBA AMERICA
INFORMATION SYSTEMS, INC., AND
TOSHIBA AMERICA CONSUMER PRODUCTS,
LLC

DATED: August 22, 2007

By: James H. Wallace, Jr. by permission ELD
Carl R. Roth
Texas Bar No. 901984552
cr@rothfirm.com
Michael C. Smith
Texas Bar No. 900641877
ms@rothfirm.com
THE ROTH LAW FIRM, P.C.
115 North Wellington, Suite 200
P.O. Box 876
Marshall, Texas 75671
Tel: (903) 935-1665
Fax: (903) 935-1797

James H. Wallace, Jr.
DC Bar No. 016113
jwallace@wrf.com
Gregory E. Lyons
DC Bar No. 016113
jwallace@wrf.com
Gregory E. Lyons
DC Bar No. 436071
glyons@wrf.com
Kevin P. Anderson
DC Bar No. 476504
kanderson@wrf.com
WILEY REIN& FIELDING LLP
1776 K Street, N.W.
Washington, D.C. 20006
Tel: (202) 719-7000
Fax: (202) 719-7049

COUNSEL FOR ARM LTD. and ARM, INC.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 22nd day of August, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Elizabeth L. DeRieux